



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2004-031

August 9, 2004

Eric Cooper
PO Box 165
Cornish Flat, NH 03746

RE: DES Wetlands File #2004-00589 141 Town House Road, Cornish

Dear Mr. Cooper:

On July 12, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Cornish Tax Map 1 as Lot 19 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, RSA 485-A, and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. Alteration of terrain and failure to follow *Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire*, to wit:

- a. Sediment 8" deep was observed in the perennial stream adjacent to the landing;
 - b. A gully approximately 4' deep and 40' long was observed at the intersection of the main skid trail and a spur trail; and
 - c. Ruts 2' deep and at least 150' long were observed on the same skid trail as b. above;
2. An intermittent stream had been crossed without a crossing device; and
3. Failure to file a Notification of Forest Management Activities Having Minimum Wetlands Impact.

In response, you are requested to take the following actions:

1. By **September 1, 2004**, retire the skid trails and landing by:
 - a. Obtain land owner consent prior to beginning work;
 - b. Re-enforce existing erosion controls by installing new hay bales or other erosion controls behind and adjacent to the existing hay bales. Do not remove existing hay bales;
 - c. Install additional erosion controls as needed to protect sediment from entering the perennial stream;
 - d. Back drag skid trails to smooth ruts, re-seed, and mulch; and
 - e. Install drainage ditches or water bars as needed to drain the skid trails and landing to areas undisturbed by logging; and

2. By **September 15, 2004**, submit photos documenting the above-referenced restoration activities to DES.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

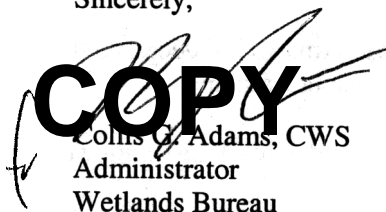
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact me at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,


COPY
Collins G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7002 3150 00015411 0367

cc: Thomas and Jayne Caselli
Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Cornish Conservation Commission
Cornish Board of Selectmen
Doug Miner, DRED
USACOE